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10/720,405	11/24/2003	Thorsten Gill	RBL0106	4109
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BAKER & DANIELS LLP 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802			HOSSAIN, IBRAHIM M	
			ART UNIT	PAPER NUMBER
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SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/720,405	GILL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ibrahim Hossain	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 January 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) 1,12,14, and 19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/08/2004</u> .  | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### **Claim Objections**

**Claims 1, 12,14, and 18** are objected to because of the following informalities:

In claim 1, "SMPT" lines 2, 5, 8, and 10 should be changed to --SMTP--.

In claim 12, "SMPT" line 2 should be changed to --SMTP--.

In claim 14, "SMPT" lines 2, 5, and 8 should be changed to --SMTP--.

In claim 18, "SMPT" line 2 should be changed to --SMTP--.

Appropriate correction is required.

### **Specification**

The abstract of the disclosure is objected to because SMPT is misspelled In abstract "SMPT" lines 3, 6, 8, and 10 should be changed to SMTP Correction is required. See MPEP § 608.01(b).

### **Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-6, 9 and 14-16 are rejected under 35 USC 103(a) as being unpatentable over Skog et al. US 2002/0126708 in view of Ergezinger et al. U.S. 2004/0139204

**Considering claim 1,** Skog teaches a method for providing access to an e-mail account, in particular a POP3/SMTP e-mail account, via a mobile communication network, comprising the steps of:

providing a mobile terminal (mobile device) having a generic e-mail configuration (Fig. 2, (10,14,16), giving access to the e-mail via internet and using Simple Mail Transfer Protocol) with at least one default POP3/SMTP server address (paragraphs 0025 and 0027)

setting up a connection (communicating) to a server identified (MSISDN) by the default POP3/SMTP server address via the mobile communication network using a standard POP3/SMTP protocol (paragraphs 0024 and 0025)

In the proxy server:

evaluating a user identification (MSISDN is the phone number linked to the mobile device which is used by human customer/user, MSISDN is used for recipient MMS message notification, paragraphs 0003 and 0031) based on specific information assigned to the user (MSISDN number is a specific device identification/phone number assigned to the user which is also determined by the MMS server, paragraphs 0003, 0025 and 0031)

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Identifying an user e-mail account (e-mail address) assigned to the user identification (MSISDN number is a specific device identification/phone number assigned to the user which is also determine by the MMS server, paragraphs 0003, 0025 and 0031)

setting up a connection to the identified e-mail account of an e-mail system (Fig.2, 10 and 24 are setting up a connection to the network), MSISDN number is identifying the e-mail account to the system) (paragraph 0025). Skog fails to teach MSISDN number is identifying e-mail account. Ergezinger teaches MSISDN number is identifying e-mail account (paragraph 0087).

It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Ergezinger's method in Skog's method. The motivation would have been authenticating user by checking MSISDN with a username and password to further provide a higher security check for the system to interact the security level. Therefore, it would have been obvious to combine Skog and Ergezinger to obtain the present invention.

**Considering claim 4,** Skog teaches a user identification (MSISDN is the phone number linked to the mobile device which is used by human customer/user, MSISDN is used for recipient MMS message notification, paragraphs 0003 and 0031) comprises an international mobile subscriber number MSISDN (MSISDN number is user identifier and ENUM comprises a country code used to route the message, paragraph 0027). Skog

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fails to teach MSISDN number is identifying e-mail account. Ergezinger teaches MSISDN number is identifying e-mail account (paragraph 0087).

It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Ergezinger's method in Skog's method. The motivation would have been authenticating user by checking MSISDN with a username and password to further provide a higher security check for the system to interact the security level. Therefore, it would have been obvious to combine Skog and Ergezinger to obtain the present invention.

**Considering claim 5,** Skog teaches user identification (MSISDN is the phone number linked to the mobile device which is used by human customer/user, MSISDN is used for recipient MMS message notification, paragraphs 0003 and 0031) comprises an individual identification number (MSISDN number comprises an individual device identification number, paragraphs 0025 and 0027). Skog fails to teach MSISDN number is identifying e-mail account. Ergezinger teaches MSISDN number is identifying e-mail account (paragraph 0087).

It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Ergezinger's method in Skog's method. The motivation would have been authenticating user by checking MSISDN with a username and password to further provide a higher security check for the system to interact the security level. Therefore, it would have been obvious to combine Skog and Ergezinger to obtain the present invention.

**Considering claim 6,** Skog teaches evaluating of the user identification (MSISDN is the phone number linked to the mobile device which is used by human customer/user, MSISDN is used for recipient MMS message notification, paragraphs 0003 and 0031) comprises the step of interrogating a database based on the specific information (MSISDN number is characterized in the user identification and ENUM comprises the step of a database for routing/transmitting which is interrogating MMS messages base in the specific country, paragraph 0027). Skog fails to teach MSISDN number is identifying e-mail account. Ergezinger teaches MSISDN number is identifying e-mail account (paragraph 0087).

It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Ergezinger's method in Skog's method. The motivation would have been authenticating user by checking MSISDN with a username and password to further provide a higher security check for the system to interact the security level. Therefore, it would have been obvious to combine Skog and Ergezinger to obtain the present invention.

**Considering claim 9,** Skog teaches an identification (MSISDN number) of the mobile communication network. Skog fails to teach authentication of the user is provided by the authentication procedures of the mobile communication network. However, Ergezinger discloses the authentication of the user is provided by the

authentication procedures of the mobile communication network (paragraph 0087). Skog fails to teach MSISDN number is identifying e-mail account. Ergezinger teaches MSISDN number is identifying e-mail account (paragraph 0087).

It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Ergezinger's method in Skog's method. The motivation would have been authenticating user by checking MSISDN with a username and password to further provide a higher security check for the system to interact the security level. Therefore, it would have been obvious to combine Skog and Ergezinger to obtain the present invention.

**Considering claim 14,** Skog teaches system for providing access to a e-mail account, in particular a POP3/SMTP e-mail account, via a mobile communication network, comprising:

- a mobile terminal having a generic e-mail configuration (Fig. 2, (10,14,16), giving access to the e-mail via internet and using SMTP) with at least one default POP3/SMTP server address (paragraphs 0025 and 0027)
- a server connected to the mobile communication network to which the default POP3/SMTP server address is assigned (see Fig. 2, (10,14,16,24) currently setting (default) with SMTP, paragraphs 0024 and 0025)

Claim 14 is a system for performing the method of claim 1. Applicant is invoking 35 U.S.C. 112, six paragraph with claim 14 which encompass a system including means for evaluating and means for identifying.

Skog et. al teach:

- means for evaluating a user identification based on specific information assigned to the user or the mobile terminal (MSISDN number is a specific user identification number (MSISDN is the phone number linked to the mobile device which is used by human customer/user, MSISDN is used for recipient MMS message notification, paragraphs 0003 and 0031) assigned to the user which is also determine by the MMS server, paragraph 0025)
- means for identifying an e-mail account assigned to the user identification (MSISDN is the phone number linked to the mobile device which is used by human customer/user, MSISDN is used for recipient MMS message notification, paragraphs 0003 and 0031), and an e-mail system comprising the identified e-mail account (paragraph 0025).

**Considering claim 15,** Skog teaches the server is part of the e-mail system (Fig. 2 (14, 18, and 20) servers characterized part of the e-mail system, paragraph 0025).

**Considering claim 16,** Bern teaches the server is part of the mobile communication network (Fig. 2 (14,18, and 20) servers characterized part of mobile communication network, paragraph 0025).

**Considering claim 18,** Skog teaches mobile terminal for providing access to an e-mail account, in particular a POP3/SMTP e-mail account, via a mobile communication network, characterized in that it comprises a generic e-mail configuration with at least one default POP3/SMTP server address (Fig. 2, (10,14,16), giving access to the e-mail via internet and using Simple Mail Transfer Protocol) with at least one default POP3/SMTP server address (paragraphs 0025 and 0027).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 USC 103(a) as being unpatentable over Skog et al.

US 2002/0126708

**Considering claim 3,** Skog does not expressly teach an IP-address temporarily assigned to the user. However, an IP-address is inherently in communication between computers, paragraph 0004). It would have been obvious to one having ordinary skill in the art to modify the device of Skog to have the IP-address in the networking system so

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that the TCP/IP made internet possible between computer to computer and allow sharing messages.

3. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 17 is rejected under 35 USC 103(a) as being unpatentable over Skog et al. US 2002/0126708 in view of Bartram et al. (5,640,541)

**Considering claim 17,** Skog fails to teach the server is a standalone system. However, Bartram teaches the server is a standalone system (col. 3, lines 20 – 50) It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Bartram's server standalone system in Skog's server system. The motivation would have been a network architecture environment easier to monitor the operation of the server and easier to be programmed. Therefore, it would have been obvious to combine Skog and Bartram to obtain the present invention.

4. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,7,8,10,13 and 19 are rejected under 35 USC 103(a) as being unpatentable over Skog et al. US 2002/0126708 in view of Araujo et al. US 2003/0191799

**Considering claim 2,** Skog teaches communication system. Skog fails to teach the IMAP4 protocol and any Internet markup language front end. However, Araujo teaches the IMAP protocol and any Internet markup language front end (paragraphs 0064, 0069 and 0114).

It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Araujo's method in Skog's method. The motivation would have been providing a module of home page and user interface which permits the user to access the site. Therefore, it would have been obvious to combine Skog and Araujo to obtain the present invention.

**Considering claim 7,** Skog teaches the step of identifying the e-mail account comprises. Skog fails to teach a user name UN and a password PW assigned to the user identification by interrogating a database. However, Araujo teaches a user name

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UN and a password PW assigned to the user identification by interrogating a database (paragraphs 0064,0069 and 0100)

It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Araujo's method in Skog's method. The motivation would have been using username and password to further provide a higher security check for the system to interact the security level to configure user secure e-mail access. Therefore, it would have been obvious to combine Skog and Araujo to obtain the present invention.

**Considering claim 8,** Skog teaches the step of setting up a connection to the e-mail account comprises the step of transmitting the e-mail address. Skog fails to teach the user name UN and the password PW. However, Araujo teaches the user name UN and the password PW (paragraphs 0064,0069 and 0100)

It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Araujo's method in Skog's method. The motivation would have been using username and password to further provide a higher security check for the system to interact the security level to configure user secure e-mail access. Therefore, it would have been obvious to combine Skog and Araujo to obtain the present invention.

**Considering claim 10,** Skog fails to teach identification of a specific e-mail account via UN/PW, the server transparently transmits the message to the addressed e-

mail system/account. However, Araujo teaches identification of a specific e-mail account via UN/PW, the server transparently transmits the message to the addressed e-mail system/account (paragraphs 0064,0069 and 0100)

It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Araujo's method in Skog's method. The motivation would have been using username and password to further provide a higher security check for the system to interact the security level to configure user secure e-mail access. Therefore, it would have been obvious to combine Skog and Araujo to obtain the present invention.

**Considering claim 13,** Skog teaches mobile communication system is provided by sending a challenge SMS to the MSISDN. Skog fails to teach Internet markup language front end and containing a password, which then has to be entered at the front end for validation purposes for the registration of a e-mail account. However, Araujo teaches Internet markup language front end and containing a password, which then has to be entered at the front end for validation purposes for the registration of an e-mail account (paragraphs 0064, 0069, 0100 and 0114)

It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Araujo's method in Skog's method. The motivation would have been providing a module of home page and user interface which permits the user to access the site and It also using password to further provide a higher security check for the system to interact the security level to configure user secure e-

mail access. Therefore, it would have been obvious to combine Skog and Araujo to obtain the present invention.

**Considering claim 19,** Skog fails to teach configuration includes a default (Failure to perform) user name UN and password PW. However, Araujo teaches configuration includes a default (Failure to perform) user name UN and password PW (paragraphs 0064,0069 and 0100)

It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Araujo's method in Skog's method. The motivation would have been configuring user secure e-mail access. Therefore, it would have been obvious to combine Skog and Araujo to obtain the present invention.

5. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 12 are rejected under 35 USC 103(a) as being unpatentable over Skog et. al. US 2002/0126708 in view of Janacek et al. (6,684,248)

**Considering claim 11,** Skog teaches the access request of a user identification.

Skog fails to disclose the server creates a new e-mail. However, Bern Janacek discloses the mail server creates a new e-mail account (col.7, lines 63- col. 8, lines 17)

It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Janacek's method in Skog's method. The motivation would have been creating a new e-mail account accomplished by the action of existing member registrations and authenticates login against the user database. Therefore, it would have been obvious to combine Skog and Janacek to obtain the present invention.

**Considering claim 12,** Skog teaches the step of identifying a POP3/SMPT e-mail account. Skog fails to teach interrogating a database whether there is already a registered e-mail account for the presented user identification. If there is no e-mail account for the user identification, creating a new e-mail account in the e-mail system. Storing the user specific parameters for the e-mail account together with the corresponding user identification in the database. However, Janacek teaches interrogating a database whether there is already a registered e-mail account for the presented user identification. If there is no e-mail account for the user identification, creating a new e-mail account in the e-mail system. Storing the user specific parameters for the e-mail account together with the corresponding user identification in the database (col.7, lines 63- col. 8, lines 37)

It would have been obvious to one having ordinary skill in the art the time the invention was made to incorporate Janacek's method in Skog's method. The motivation

would have been creating a new e-mail account accomplished by the action of existing member registrations and authenticates login against the user database. Therefore, it would have been obvious to combine Skog and Janacek to obtain the present invention.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ibrahim Hossain whose telephone number is 571-272-9593. The examiner can normally be reached on 8:30 AM – 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker can be reached on 571-272-9821. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IH

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02/28/2007

  
JEFFREY STUCKER  
SUPERVISORY PATENT EXAMINER